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March 1, 2024

BY ECF and Email

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**MEMO ENDORSED**

Re: *Khatskevich v. Shapiro et al*, 23-cv-9160 (KPF)

Dear Judge Failla:

We represent defendant Len Shapiro in the above action. Because Mr. Shapiro was only recently served with the summons, I request on his behalf that the initial pre-trial conference, now scheduled for March 13, 2024 under the Court's February 20, 2024 Order (ECF Doc. 15), be adjourned to March 27, 2024. I have conferred with Mr. Brennan, plaintiff's counsel, and he consents to the adjournment.

Mr. Shapiro's response to the complaint is now due March 8, 2024. Although we would ordinarily request that that date be adjourned, we expect to file a pre-motion letter before then, under Rule 4.A of Your Honor's Individual Rules, for leave to move to dismiss the complaint as against Mr. Shapiro. As we will explain in the letter, Mr. Shapiro had nothing to do with the events underlying the complaint and should not, for that and other reasons, have been named a defendant.

Respectfully,

/s/ Steven B. Feigenbaum  
Steven B. Feigenbaum

cc: John T. Brennan (by ECF)

Application GRANTED. The initial pretrial conference scheduled for March 13, 2024, is hereby ADJOURNED *sine die*. The Court will schedule a pre-motion conference upon receipt of Mr. Shapiro's letter and Plaintiff's response.

The Clerk of Court is directed to terminate the pending motion at docket entry 18.

Dated: March 4, 2024  
New York, New York

Katherine Polk Failla

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE